NEVADA FLYERS

IBLA 73-68 Decided April 27, 1973

Appeal from a decision by the Nevada State Office, Bureau of Land Management, rejecting an application for an airport lease.

Affirmed.

Airports -- Public Lands: Leases and Permits

> A recommendation by the Federal Aviation Administration advising that an application for an airport lease be rejected, which is based on reasonable considerations of its effect on the safety of other airports may be followed by the Department acting within its discretionary authority over the issuance of such leases.

APPEARANCES: A. W. Brothers, president, Nevada Flyers, pro se.

OPINION BY MR. RITVO

Nevada Flyers, has appealed to the Secretary of the Interior from a decision, dated July 3, 1972, by the Nevada State Office, Bureau of Land Management, rejecting its airport lease application N 5929 on the basis of an aeronautical study by the Federal Aviation Administration (FAA) determining the site to be unacceptable.

Pursuant to the Act of May 24, 1928, as amended, 49 U.S.C. §§ 211-14 (1970), the Nevada Flyers filed a lease application with the Bureau of Land Management for land to construct and operate the Hungry Valley Airport. The Act authorizes the Secretary in his discretion and under such regulations as he may prescribe to issue a lease for use of public lands as an airport. The requested lands are located in T. 21 N., R. 20 E., M.D.M., and included the following parcels: SE 1/4 sec. 7; SW 1/4, W 1/2 SE 1/4 sec. 8; NW 1/4, W 1/2 NE 1/4 sec. 17; E 1/2 NE 1/4 sec. 18. Upon receipt of the application, the Bureau of Land Management forwarded a copy to the FAA requesting its recommendations regarding the suitability of the land for an airport.

In a letter dated March 13, 1972, the FAA's Airport District Office informed A. W. Brothers, president of the Nevada Flyers, that the proposed airport was not acceptable from an airspace utilization standpoint due to its proximity to the Reno International Airport ILS final approach course and to existing traffic patterns at the Reno-Stead Airport. Upon Brothers' request, the Airport District Office reconsidered the proposed Hungry Valley Airport on April 19, 1972. The site again was found unacceptable due primarily to its location with respect to the existing Reno-Stead and Reno International Airports. As support for its recommendation, the Airport District Office referred to FAA's Airport Airspace [**3] Analysis Study No. 71-SFO-115-NRA. The study noted that the proposal had been circulated to the public and numerous objections were received. As a result, the FAA held an informal airspace meeting at which the objectors amplified their problems. The study discussed in detail the natural and manmade obstructions surrounding the area for the proposed airport and the airspace and air traffic difficulties. The report found the proposed airport site to be located in a narrow valley with three nearby radio towers which would cause most of the traffic to be at conflicting altitudes with the high speed jet traffic being positioned onto the Reno International Airport from the west side. 1/ It was concluded that these factors

1/ The pertinent portion of the study states:

"The proposed airport site is under the Reno ILS localizer course and adjacent to the Sparks Radiobeacon (RBN). The Sparks RBN is the final approach fix for the ILS approach and the minimum radar vectoring altitude in this area is 7200 feet MSL. The airport surface would be about 2150 feet below this minimum altitude.

"The USAF objected because of the belief that the midair collision potential would be increased. The Nevada Air National Guard operates an average of 10 RF-101 sorties per day in the Sparks RBN area. For the most part, these flights inbound are vectored to intercept the localizer north of Sparks RBN. They are generally at 8000 feet MSL descending to cross the Sparks RBN at 7200 feet MSL.

"The Air Transport Association (ATA) was likewise concerned because of the proposed airport's proximity to the localizer course and the Sparks RBN vector point. ATA stated its objection unless definite ingress and egress routes could be specified and an effective two-way radio requirement with Reno Tower could be established.

"The current radar vector practices in the area were outlined by the Chief, Reno Tower. The "keep-em-high" policy at Reno requires

would adversely affect the safe and efficient use of the airspace by aircraft.

Brothers, appealing for the Nevada Flyers, attacked the FAA's recommendation as "unwarranted, capricious, arbitrary, and against the public interest if not the law." He contended that there was no precedent for the FAA's conclusions and cited several airports which have heavy jet aircraft passing over them at altitudes comparable to those proposed in the Hungry Valley Airport application.

We have considered the arguments of the appellant and find them lacking in any substantive refutation of the FAA's findings. The FAA's conclusions are reasonable and, although the Department is not bound to, it may accept them in the exercise of its discretionary power. See Duncan Miller, 6 IBLA 216, 79 I.D. 416 (1972). The reasonable recommendations of another governmental agency relating to matters within its special competence will be relied upon. Quantex Corporation, 4 IBLA 31, 78 I.D. 317 (1971).

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fn. 1 (Cont.)
that most jet arrivals, including Nevada ANG aircraft and air carriers, be turned onto final approach north of Sparks RBN descending to cross Sparks RBN at 7200 feet MSL. This policy has recently been instituted over the country as a means of segregating high speed and low speed aircraft to prevent midair collisions.

"Without some study the 2150 feet altitude separation above the proposed airport at Sparks RBN would seem to provide an adequate buffer above the airport's traffic pattern. However, this buffer would generally exist only in the immediate vicinity of the airport. Frequent turbulence in the area and high terrain would normally result in the prudent pilot operating at higher altitudes as much as possible. Therefore, aircraft operating to and from the proposed airport could be in direct conflict with the high speed jet traffic operating to Reno, thereby increasing the midair collision potential.

"The proposed airport site is in a narrow valley running northeast-southwest. There are three tall radio towers in the valley to the southwest and high hills to the east, south and west. The general flow of traffic to and from this airport would be to the west-southwest. This, coupled with the high obstructions in the area, would cause most transient traffic to be at conflicting altitudes with the high speed jet traffic and other IFR operations being positioned onto the Reno ILS course from the west side."

Therefore, pursuant to the authority vested in the Board of Land Appeals by the Secretary of the Interior, 43 CFR 4.1, the decision of the Nevada State Office is affirmed.

Martin Ritvo, Member

We concur:

Edward W. Stuebing, Member

Frederick Fishman, Member.